

### REMARKS

Claims 1-8 were pending in this application when the present Office Action was mailed on October 9, 2007. In this response, no claims have been cancelled or added, and claims 5 and 6 have been amended to correct typographical errors. Accordingly, claims 1-8 remain pending. The title and abstract have also been amended to respond to the Examiner's objection to the specification.

In the Non-final Office Action mailed on October 9, 2007, the Examiner rejected the above-mentioned pending claims under 35 U.S.C. § 103 on the basis of U.S. Patent No. 4,742,511 to Johnson in view of "A Flexible Architecture for Multi-Hop Optical Networks" by Jaekel et al. and RFC 1812, "Requirements for IP Version 4 Routers" by Baker. The Examiner also rejected claim 6 under 35 U.S.C. § 112 as being indefinite for containing an element that lacked sufficient antecedent basis. Claim 6 has been amended to correct a typographical error that resulted in the rejection.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on December 19, 2007, in which the current rejection and the prior art were discussed. During the telephone interview, the Examiner provisionally agreed to withdraw the Section 103 rejection, pending a further review of the case. The foregoing and following remarks summarize and expand upon the points discussed during the December 19 telephone interview and reflect the foregoing agreement. Accordingly, applicants respectfully request that this paper constitute applicant's interview summary. If the Examiner notices any deficiencies in this regard, he is encouraged to contact the undersigned attorney. For the reasons set forth in detail below, applicant submits that the present application, including each of pending claims, is in condition for allowance.

As discussed in the December 19 telephone interview, the pending claims are directed to a system for determining an estimated diameter of a network. As stated in the specification, "[t]he maximum of the [travel] distances between the computers [in the network] is the 'diameter' of [the] broadcast channel." (See p. 7, ln. 17-18.) As is also

stated in the specification, "computers [in the network] need not be generally aware of the diameter of the broadcast channel." (See p. 20, ln. 15-16.) Instead, "[e]ach computer . . . maintains an estimated diameter of the broadcast channel." [emphasis added] (See p. 20, ln. 18-19.) "When a computer receives a message that has traveled a distance that indicates that the estimated diameter is too small, it updates its estimated diameter and broadcasts an estimated diameter message." (See p. 20, ln. 19-21.) Therefore, the estimated diameter is not necessarily static, but may be updated at each node in response to messages received from other nodes. Thus, as discussed in the December 19 telephone interview, methods in accordance with claim 1 can allow the diameter to be determined without reference to the network topology.

The Examiner noted in the Office Action that Johnson fails to disclose setting an estimated diameter based on the distance traveled. Applicants respectfully submit that the additional references Jaekel and Baker also fail to disclose or suggest this feature. Jaekel discloses that "diameter" denotes the maximum distance between endpoints for all possible endpoints in the network. (See p. 472, second column.) Thus, to apply the method from Jaekel (i.e. diameter equal to the maximum of shortest paths) would require that the entity doing the determination have knowledge of the topology of the network in order to evaluate the distance on all paths. Jaekel does not provide a method for a node of a network to determine an estimated diameter when it does not know the network topology. Baker also fails to disclose setting an estimated diameter. For at least the foregoing reasons, the rejection under Section 103 should be withdrawn.

In view of the foregoing amendments and remarks, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 030048003US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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